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U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

JAN 08 2003

LAWRENCE K. BAERMAN, CLERK
ALBANY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEAN J. VILLANTE,

Plaintiff,

-against-

99-CV-830
(LEK/DRH)

R. VANDYKE and R. HALL, Corrections
Officers at Marcy Correctional Facility,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on December 2, 2002, by the Honorable David R. Homer, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff, which were filed on December 13, 2002.

It is the duty of this Court to "make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b). "A judge of the court may accept, reject, or modify, in whole or in part, the findings or

recommendations made by the magistrate." Id. This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved for the reasons stated therein.

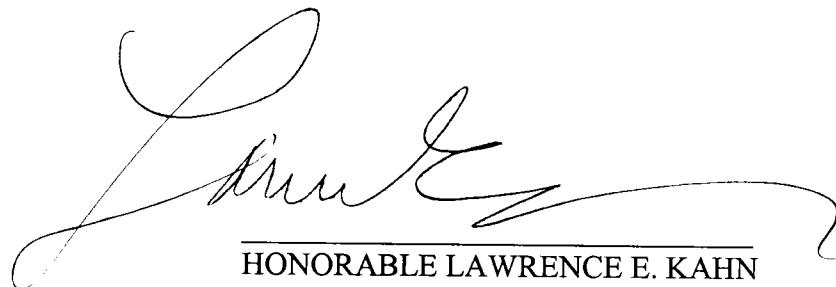
Accordingly, it is hereby

ORDERED, that the Report-Recommendation is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

ORDERED, that Defendants' motion for summary judgment (Docket No. 76) be **GRANTED** and that judgment be entered for Defendants as to all claims; and it is further
ORDERED, that the Clerk serve a copy of this order on all parties by regular mail.

IT IS SO ORDERED.

DATED: January 8, 2003
Albany, New York



A handwritten signature in black ink, appearing to read "Lawrence E. Kahn".

HONORABLE LAWRENCE E. KAHN
United States District Judge